



A Chapter of the American Planning Association

December 12, 2005

Representative Leon Drolet
797 House Office Building
Lansing, Michigan

Dear Representative Drolet:

The issue of eminent domain is fraught with complications and can be divisive. The Michigan Association of Planning strongly supports the protection of the rights of a property owner to the full and reasonable use of his property, so long as that does not cause harms to neighboring property owners or the larger community, and recognizes that these property rights may be reasonably limited by the lawful exercise of zoning, subdivision, land division, and other related regulations as so determine by state and federal courts.

SJR E essentially codifies the Michigan Supreme Courts Hathcock decision, which narrows the circumstances under which private property can be taken for economic development purposes. This constitutional amendment is consistent with our organization's policy statement.

Our policy on eminent domain also supports the ability of local and state government to use eminent domain for the purpose of eradicating blight when preceded by a property planning effort, but only after all reasonable, lawful, and less egregious measures have first been tried and failed. Even moderate blight, if unmitigated, creates a strong possibility that severe blight will follow, and so the conditions that constitute blight should be broadly construed to permit early remedial action to be taken by a municipality to correct a demonstrated pattern of deterioration and to prevent worsening conditions.

We do urge caution, however, about shifting the burden of proof to local government to ascertain blight by clear and convincing evidence through a constitutional amendment. Local government should not be penalized for the inaction of a property owner who has allowed a property, through neglect and disinvestment, to deteriorate to the point where it has become a nuisance, safety hazard, or worse, has affected the property values of adjacent property owners. If government doesn't have the authority to act, blight can take down whole blocks while reducing property values and property taxes. Blight directly harms neighbors who ARE investing in their own homes and businesses. The ability to quickly address blighted areas is a service to responsible property owners.

Sincerely,

Andrea Brown, AICP
Executive Director

cc. House Government Operations Committee

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